

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**JAMES BEARDEN AND SHEILA BEARDEN,)
individually and on behalf of all others similarly)
situated,)**

Plaintiffs,)

v.)

HONEYWELL INTERNATIONAL INC.,)

Defendant.)

**Case No. 3:09-01035
Judge Trauger**

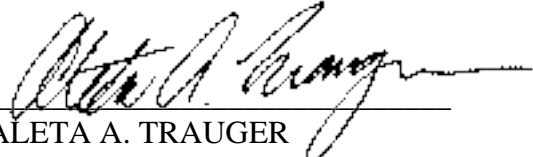
ORDER

For the reasons expressed in the accompanying Memorandum, the Motion to Strike Class Allegations and to Dismiss filed by defendant Honeywell International Inc. (Docket No. 41) is **GRANTED IN PART** and **DENIED IN PART**. Count V of the Second Amended Complaint (Docket No. 39) is hereby **DISMISSED**. Count IX of the Second Amended Complaint may not be maintained on behalf of the putative class, and the following material is hereby **STRICKEN** from that count: the entirety of Paragraph 212; the phrase “and other members of the Class” from Paragraph 216; and the phrase “and Class members” from Paragraphs 217-19.

The plaintiffs will not be granted leave to further amend their complaint. A Case Management Conference will be held in Judge Trauger’s chambers on September 10, 2010 at 1:30 p.m.

It is so Ordered.

Entered this 16th day of August 2010.



ALETA A. TRAUGER
United States District Judge